

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No.: 09/840,823
Attorney Docket No.: Q64241

REMARKS

Applicant thanks the Examiner for indicating approval of the drawings during a telephone call on September 14, 2004.

Applicant thanks Examiner for acknowledging Applicant's claim for priority pursuant to 35 U.S.C. § 119, based on Japanese Application No. 135636/2000 and receipt of the priority document.

Applicant thanks Examiner for acknowledging receipt of the Information Disclosure Statements filed July 13, 2001, March 6, 2002, April 10, 2003 and for considering the references cited therein.

For the reason described below, Applicant respectfully traverses the rejections and requests favorable disposition of the application.

§ 102 Rejections over Chi et al.

Claims 1-2 and 5 presently stand rejected under 35 U.S.C. § 102(e) as being anticipated by Chi et al. (U.S. Patent Appln. Publ'n No. 2002/0131532 A1; hereinafter "Chi et al."). Chi et al., is a reference under 35 U.S.C. § 102(e) only. The foreign priority date of the present application, May 9, 2000, (based on Japanese Application No. 135636/2000) is earlier than the earliest possible effective date of Chi et al. (January 26, 2001 based on U.S. Provisional Application No. 60/264,619). Applicant is herewith submitting a verified English translation of the priority document, thereby perfecting priority. Thus, pursuant to MPEP § 706.02, Chi et al. does not constitute a proper reference with respect to the present application and, therefore, the rejections should be withdrawn.

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Applicant thanks the Examiner for allowing claims 6-7 and for indicating that claims 3-4 would be allowable if written into independent form. Applicant respectfully requests withdrawal of the objections to claims 3-4 since these claims depend from patentable claim 1.

New Claims

Applicant has added claims 8-12 as shown above, to more fully claim the invention. Additionally, Applicant submits that the new claims are fully supported in the original disclosure and are patentable for at least the reasons claim 1 is patentable.

Conclusion

In view of the foregoing amendments and remarks, the application is believed to be in form for immediate allowance with claims 1-12 and such action is hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to **contact the undersigned** at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

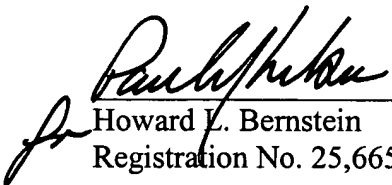
Respectfully submitted,

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